

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative or therapeutic effect of the said article were false and fraudulent in that it contained no ingredients or combination of ingredients capable of producing the effects claimed and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the said statements.

On November 1, 1920, the United Medicine Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9755. Misbranding of Robert J. Pierce's Empress Brand pennyroyal tablets. U. S. \* \* \* v. 12 Boxes of Robert J. Pierce's Empress Brand Pennyroyal Tablets. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13327. Inv. No. 18314. S. No. C-2151.)

On August 17, 1920, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 boxes of Robert J. Pierce's Empress Brand pennyroyal tablets, at San Antonio, Tex., alleging that the article had been shipped by Robert J. Pierce, Inc., New York, N. Y., on or about June 2, 1919, and transported from the State of New York into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained ferrous sulphate and plant extractives, including tansy and aloes.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the label of the box containing the article and in an accompanying circular, regarding the curative and therapeutic effect thereof, (box) " \* \* \* the most Powerful and Reliable Emmenagogue known. The only safe, sure and always effectual remedy in suppression (stoppage) of the menstrual function," (circular) "The Celebrated Female Regulator \* \* \* Active treatment should begin four or five days before the expected reappearance of the menstrual flow. \* \* \* Take one \* \* \* three times daily, \* \* \* follow \* \* \* instructions \* \* \* until the desired result is obtained. \* \* \* emmenagogue medicine \* \* \* they have invariably proved successful. As a Preventative of Irregularities.—Take one \* \* \* three times daily, \* \* \* They can always be depended upon as a monthly regulator," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 29, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*